

104TH CONGRESS
1ST SESSION

H. R. 2369

To provide for the development of the fishery resource within the exclusive economic zone of the insular areas of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 1995

Mr. UNDERWOOD (for himself and Mr. FALEOMAVAEGA) introduced the following bill; which was referred to the Committee on Resources

A BILL

To provide for the development of the fishery resource within the exclusive economic zone of the insular areas of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; REFERENCE.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Pacific Insular Areas Fisheries Empowerment Act of
6 1995”.

7 (b) REFERENCE.—Except as otherwise expressly pro-
8 vided, whenever in this Act an amendment or repeal is
9 expressed in terms of an amendment to, or repeal of, a

1 section or other provision, the reference shall be consid-
2 ered to be made to a section or other provision of the Mag-
3 nuson Fishery Conservation and Management Act (16
4 U.S.C. 1801 et seq.).

5 **SEC. 2. FINDINGS, PURPOSES AND POLICY.**

6 (a) FINDINGS.—Section 2(a) (16 U.S.C. 1801(a)) is
7 amended by adding at the end the following:

8 “(9) The Pacific Insular Areas of the United
9 States contain a unique historical, cultural, legal, po-
10 litical, and geographic circumstance, including the
11 importance of fisheries resources to their economic
12 growth.”.

13 (b) POLICY.—Section 2(c) (16 U.S.C. 1801) is
14 amended—

15 (1) by striking “and” at the end of paragraph
16 (5);

17 (2) by striking the period at the end of para-
18 graph (6) and inserting “; and”; and

19 (3) by adding at the end the following new
20 paragraph:

21 “(7) to assure that the fishery resources adja-
22 cent to Pacific Insular Areas, including those within
23 the exclusive economic zone of such areas and any
24 Continental Shelf fishery resources of such areas, be

1 explored, exploited, conserved, and managed for the
2 benefit of the people of each such areas.”.

3 **SEC. 3. DEFINITIONS.**

4 Section 3 (16 U.S.C. 1802) is amended by adding
5 at the end the following new paragraph:

6 “(34) The term ‘Pacific Insular Area’ means
7 American Samoa, Guam, or the Commonwealth of
8 the Northern Mariana Islands.”.

9 **SEC. 4. FOREIGN FISHING AND INTERNATIONAL FISHERY**
10 **AGREEMENTS.**

11 (a) AUTHORITY FOR FOREIGN FISHING UNDER A
12 PACIFIC INSULAR AREA AGREEMENT.—Section 201(a)(1)
13 (16 U.S.C. 1821(a)(1)) is amended to read as follows:

14 “(1) is authorized under subsection (b) or (c) or
15 under a permit issued under section 204(d);”.

16 (b) AUTHORITY TO ENTER INTO A PACIFIC INSULAR
17 AREAS AGREEMENT.—Section 202(c)(2) (16 U.S.C.
18 1822(c)(2)) is amended by inserting before the period at
19 the end the following: “or section 204(e)”.

20 (c) PACIFIC INSULAR AREA AGREEMENTS.—Section
21 204 (26 U.S.C. 1824) is amended by adding at the end
22 the following:

23 “(d) PACIFIC INSULAR AREAS.—(1) Upon the re-
24 quest of the Governor of a Pacific Insular Area, the Sec-
25 retary of State in concurrence with the Secretary (the ap-

1 appropriate Council, and the Governor of such Pacific Insu-
2 lar Area) may negotiate and agree to a Pacific Insular
3 Area Fishery Agreement (in this subsection referred to as
4 a “PIAFA”) to authorize foreign fishing within the exclu-
5 sive economic zone adjacent to such Insular Area or for
6 Continental Shelf fishery resources beyond such zone.

7 “(2) It is the sense of the Congress that the Secretary
8 of State should not negotiate a PIAFA to authorize for-
9 eign fishing within the exclusive economic zone adjacent
10 to an Insular Area, or Continental Shelf fishery resources
11 beyond such zone, without the concurrence of and con-
12 sultation with the Governor of such Insular Area.

13 “(3)(A) Fees pursuant to a PIAFA shall be paid to
14 the Treasury of the Pacific Insular area concerned by the
15 owner or operator of any foreign fishing vessel for which
16 a permit has been issued pursuant to this section. The
17 Governor, with the concurrence of the Secretary and the
18 Secretary of State, shall establish a schedule of reasonable
19 fees that shall apply nondiscriminatorily to each foreign
20 nation. The prescription of such fees is not subject to sec-
21 tion 9701 of title 31, United States Code.

22 “(B) Amounts received by the United States as fees
23 under this paragraph shall be deposited in the general
24 fund of the treasury of the Insular Area, and shall be used
25 for fishery conservation and management purposes.

1 “(4) Foreign fishing under a PIAFA shall not be sub-
2 ject to subsections (d) through (g) of section 201 or sub-
3 section (i) of section 201.

4 “(5) A PIAFA shall become effective according to the
5 procedures of section 203.

6 “(6) The Secretary of State may not negotiate a
7 PIAFA with a country that is in violation of a governing
8 international fishery agreement in effect under this Act.

9 “(7) This subsection shall not be considered to super-
10 sede and governing international fishery agreement in ef-
11 fect under this Act.”.

12 **SEC. 5. DOMESTIC FEES.**

13 Section 304 (16 U.S.C. 1854) is further amended by
14 adding at the end the following:

15 “(h) PACIFIC INSULAR AREA FEES.—

16 “(1) The Secretary may enter into a coopera-
17 tive agreement with the Governor of a Pacific Insu-
18 lar Area, under which the Pacific Insular Area may
19 administer a permit system and collect fees author-
20 ized under a fishery management plan for fisheries
21 in the exclusive economic zone off the Pacific Insular
22 Area pursuant to section 303(b)(1). A cooperative
23 agreement under this paragraph may provide that
24 all or part of the fees collected under the Pacific In-
25 sular Area permit system shall be deposited into the

1 treasury of the affected Pacific Insular Area and
2 used for fishery conservation and management pur-
3 poses.

4 “(2) The Secretary, in concurrence with the
5 Governor of the Pacific Insular Area, may establish
6 by regulation the level of any fees which are author-
7 ized to be charged. The amount of any fees collected
8 under this subsection shall be reasonable, fair, and
9 equitable to all participants in the fisheries. The pre-
10 scription of such fees is not subject to section
11 9701(b) of title 31, United States Code.”.

12 **SEC. 6. ENFORCEMENT.**

13 Section 311 (16 U.S.C. 1861) is amended by adding
14 at the end the following new subsection:

15 “(f) ENFORCEMENT IN THE INSULAR AREAS.—The
16 Secretary, in consultation with the Governors of the Pa-
17 cific Insular Areas shall, to the greatest extent practicable,
18 support cooperative enforcement agreements between Fed-
19 eral and Pacific Insular Area authorities.”.

20 **SEC. 7. CONFORMING AMENDMENT.**

21 (a) Section 307(2)(B) (16 U.S.C. 1857(2)(B)) is
22 amended by striking “204(b) or (c)” and inserting
23 “204(b), (c), or (e)”.

1 (b) Section 311(g)(1) (16 U.S.C. 1861(g)(1)) is
2 amended by inserting after the citation “201(b) or (c)”
3 the words “or section 204(d)”.

